SINGLE BENCH (2) (4)

CF-1002

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

W.P. (S) NO. 18 /2006 7

PETITIONER

Shyam Lal Rawat, aged about 45 years, son of Late Santosh Kumar Rawat, working as Training Officer (Electrician), Industrial Training Institute, Raigarh, R/o. I.T.I. Colony, Chakradhar Nagar, Raigarh, Distt. Raigarh (C.G.)

P.R. No. 7255 06 Presented through Raipur Advocate dated 22/3/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – the Secretary, Department of Technical Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. Principal , Industrial Training Institute, Raigarh, Distt. Raigarh (C.G.)

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WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA

(40)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.18 OF 2007

Petitioner : Shyam Lal Rawat

versus

Respondents : State of Chhattisgarh and another

Present : Mr. Roop Naik, counsel for the petitioner.
Mr. Sushil Dubey, Government Advocate for the State/respondents.

ORDER
(Passed on 15th Day of January, 2007)

The petitioner, working as Training Officer (Electrician) in the Industrial Training Institute, Raigarh, was transferred by order dated 29-6-2006 (Annexure P-1) to the Industrial Training Institute, Dongargarh, District Rajnandgaon. The petitioner must have complied with this order passed in June, 2006. The petitioner has filed this petition on 22-12-2006 impugning the order dated 29-6-2006 (Annexure P-1). If the petitioner has not complied with the order dated 29-6-2006 (Annexure P-1), the conduct may come within the purview of disobedience.

2. This Court cannot permit perpetuation of illegality committed by the petitioner, if any. The transfer order is not punitive in

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nature and is an incidence of the service. This Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot entertain the same. Even otherwise, the petitioner has not raised any ground, i.e., malice, non-competence of the officer passing the transfer order, or violation of any rules or regulations to seek indulgence of this Court.

3. Looking from all angles, the petition is devoid of merit. Thus, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal